

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

SHAUN ELDON WHITFIELD

PLAINTIFF

V.

3:05CV00100 SWW/HDY

VAUGHN *et al.*

DEFENDANTS

ORDER

Plaintiff initiated this § 1983 action by filing a Complaint alleging claims of failure to protect and excessive force. In an Order dated August 23, 2005 (docket entry #13), the Court directed Plaintiff to file an Amended Complaint setting forth certain specifically requested information within thirty days of the entry date of that Order.

Plaintiff, who has now been released from confinement, has not submitted this requested amendment, nor any other pleadings to the Court. Local Rule 5.5(c)(2) provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that Order, and Plaintiff has not responded to the Court's Order..

Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) ("District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.")

IT IS THEREFORE ORDERED that Plaintiff's Complaint (docket entry #2) be and it is hereby DISMISSED WITHOUT PREJUDICE.

DATED this 11th day of October, 2005.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE